

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	CASE NO. 1:19-CR-00012
	)	
PLAINTIFF	)	JUDGE DONALD C. NUGENT
	)	
v.	)	
	)	
REGINAL FERGUSON	)	<b>DEFENDANT’S SENTENCING</b>
		<b>MEMORANDUM</b>
DEFENDANT		

Defendant Reginald Ferguson now submits this brief sentencing memorandum to summarize arguments made by Mr. Ferguson pro se.<sup>1</sup> Although Mr. Ferguson has submitted lengthy legal arguments on proper sentencing in this matter, he asked counsel to summarize parts of those arguments in a formal court filing.

1. Defendant submits that his base offense level should be 20, the level first arrived at by the probation officer in his initial presentence investigation report. The government argued, and the probation department then adopted a base offense level of 24 by including two additional prior convictions. Those convictions were entered in Cuyahoga County Common Pleas Court Case Nos. CR-10-534775 (Robbery) and CR-10-535111 (Aggravated Burglary). (See, par. 11, 26, 27 of Presentence Investigation Report. Doc. # 37) Defendant does not feel these convictions

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<sup>1</sup>Defendant Ferguson has personally submitted a 27 page legal memorandum on the issue of his prior Robbery convictions, and a separate 57 page “Alternative Sentencing Proposal” with the court and the U.S. Attorney during the course of this litigation.

should be factored in as qualifying crimes of violence.

2. Defendant also submits that he never served a prison sentence in Cuyahoga County

Case No. 534775, as the two year sentence in that case was ordered to be served concurrently with the six year sentence in Cuyahoga County Case No. 535111.<sup>2</sup> (See, Presentence Investigation Report, par. 26 and 27. Doc. #37) It is Defendant's position that since he was granted judicial release in Case No. 535111, after serving approximately three years, he never started his sentence in Case No. 534775.

Defendant requests that the court consider these arguments at the time of determining sentencing in this matter..

Respectfully submitted,

*/s/ Michael P. Maloney*

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<sup>2</sup>Counsel is submitting this argument at the request and direction of Mr. Ferguson.

**CERTIFICATE OF SERVICE**

A copy of the foregoing was served this 6<sup>th</sup> day of September, 2019 to the United States Attorney, through the court's electronic filing system.

*/s/ Michael P. Maloney*

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Attorney for Defendant